

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COOKEVILLE DIVISION

JEFFREY W. TUNKS,)
)
PLAINTIFF) CIVIL ACTION NO. 2:07- cv- 0065
)
) JUDGE HAYNES
VERSUS)
)
CITY OF COOKEVILLE, et al.)
)
Defendants.)

MOTION FOR SUMMARY JUDGMENT

ON FILE
This motion
is DENIED as
most. Sa O/E NO
46. LLJ/S
4-7-10

Come the Defendants, David K. Andrews, Sheriff of Putnam County, Tennessee; Putnam County Sheriff's Department[not a legal entity]; and Tim Taylor in his alleged capacity as Deputy Sheriff of Putnam County, by and through their attorney, pursuant to Rule 56 of the Federal Rules of Civil Procedure and moves the court for summary judgment in regard to the above captioned case. There are no material issues of fact in dispute and these Defendants are entitled to be dismissed as a matter of law for the following reasons:

1. The Defendant Tim Taylor was an employee of the Holiday Inn in Cookeville as an unarmed Security Guard during this incident and was not, and never has been, a Deputy Sheriff with Putnam County or the Putnam County Sheriff's Department. Accordingly, he was not acting under "color of law" or even in the course and scope of his employment with Putnam County. Tim Taylor worked part time as a Security Guard